

RECEIVED
DEC 03 2002
TECH CENTER 1800/2900

Docket No.: 2312-105

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES



Re Application of Takashi AOYAMA et al.

Serial No.: 09/438,392

Filed: November 12, 1999

For: CHEMICAL INDUCIBLE PROMOTER USED TO OBTAIN TRANSGENIC PLANTS
WITH A SILENT MARKER

Group Art Unit: 1635

Examiner: Jane J. Zara

#20/K.T.
12/6
Notice of
Appeal

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 26, 2002 rejecting the following claims: 67-75 and 77-83.

Applicant claims small entity status. Therefore, the fee for this Notice of Appeal is \$160.00.

An extension of time is requested for one month. The required fee for this extension of time is \$55.00.

The Commissioner is authorized to charge the fees for the Notice of Appeal and for the extension of time to Deposit Account No. 02-2135. An additional copy of this Notice is enclosed herewith.

Respectfully submitted,

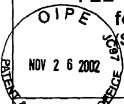
By

Mark I. Bowditch
Attorney for Applicants
Registration No. 40,315
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 783-6040

11/29/2002 MAHME1 00000042 022135 09438392

02 FC:2401 160.00 CH

1635

FEE TRANSMITTAL for FY 2002 (Small Entity) 		Complete if Known	
		Application Number	09/438,392
		Filing Date	November 12, 1999
		First Named Inventor	Takashi AOYAMA et al.
		Examiner Name	Jane J. Zara
Group Art Unit		1635	RECEIVED DEC 03 2002
Total Amount of Payment (\$215.00)		Attorney Docket Number 2312-105	

METHOD OF PAYMENT (check one)

- ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status.
- ☐ Payment Enclosed:
 - ☐ Check
 - ☐ Credit Card

FEE CALCULATION

1. FILING FEE

Code	Fee	Fee Description	Fee Paid
201	370	Utility filing fee	[]
206	165	Design Filing Fee	[]
207	255	Plant Filing Fee	[]
208	370	Reissue Filing Fee	[]
214	80	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

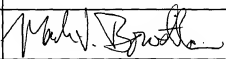
Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee \$9 =	Fee Paid
[]	[]	[]	[]	[]	[]
[]	[]	[]	[]	[]	[]
[]	[]	[]	[]	[]	[]

SUBTOTAL \$

FEE CALCULATION (continued)
3. ADDITIONAL FEES

Code	Fee	Fee Description	Fee Paid
205	65	Surcharge - late filing fee or oath	[]
227	25	Surcharge - late provisional filing fee or cover sheet	[]
139	130	Non-English specification	[]
147	2,520	For filing a request for reexamination	[]
112	920	Requesting publication of SIR prior to Examiner action	[]
113	1,840*	Requesting publication of SIR after Examiner action	[]
215	55	Extension for reply within first month	[55]
216	200	Extension for reply within second month	[]
217	460	Extension for reply within third month	[]
218	720	Extension for reply within fourth month	[]
228	980	Extension for reply within fifth month	[]
219	160	Notice of Appeal	[160]
220	160	Filing a brief in support of an appeal	[]
221	150	Request for Oral Hearing	[]
138	1,510	Petition to institute a public use proceeding	[]
240	55	Petition to revive - unavoidable	[]
241	640	Petition to revive - unintentional	[]
242	640	Utility issue fee (or reissue)	[]
243	230	Design issue fee	[]
244	310	Plant issue fee	[]
122	130	Petitions to the Commissioner	[]
123	50	Processing fee under 37 CFR 1.17(q)	[]
126	180	Submission of Information Disclosure Statement	[]
581	40	Recording each patent assignment per property (times number of properties)	[]
246	370	Filing a submission after final rejection (37 CFR 1.29(a))	[]
249	370	For each additional invention to be examined (37 CFR 1.129(b))	[]
279	370	Request for Continued Examination (RCE)	[]
169	900	Request for expedited examination of a design application	[]
195	300	Publication fee for early, voluntary, or normal publication	[]
196	300	Publication fee for republication	[]
089	200	Filing an application for patent term adjustment	[]
090	400	Request for reinstatement of term reduced	[]
Other fee (specify)			[]

* Reduced by Basic Filing Fee Paid **SUBTOTAL \$215**

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Mark I. Bowditch, Reg. No. 40,315		
SIGNATURE	DATE	DEPOSIT ACCOUNT USER ID	
	11/26/02		